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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,779	11/16/2001	Yoshiko Iida	862.C2439	7713
5514	7590	03/28/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ROBINSON, MYLES D	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/987,779	IIDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Myles D. Robinson	2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14 - 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 - 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 1/10/2006, and has been entered and made of record. Currently, **claims 14 – 19** are pending.

### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

3. Receipt is not acknowledged of the Information Disclosure Statement (IDS) submitted on 3/21/2002. The Office has no record of such IDS submitted on said date.

### *Response to Arguments*

4. Applicant's arguments with respect to **claims 14 – 19** have been considered but are moot in view of the new grounds of rejection.
5. Regarding **claim 14**, the Applicant argues that **Arai et al.** (U.S. Patent No. 5,929,906) does not disclose, teach or suggest "controlling a color format of color data to be transmitted to an image processing component" (see page 7, lines 8 – 12). However, **Yoda** (U.S. Patent No. 6,781,716) does disclose controlling a color format of color data (see Figs. 4, 5 and 12 - 13, input profiles 341a, 341b, 341n and output profiles 343a, 343b, 343m in conjunction with color conversion table 342) to be

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transmitted to an image processing component (see Fig. 3, output interface 317, Fig. 5, output profile, Figs. 12 – 13, data output section 330, all of which transmit color format data to printing system 30 in Fig. 1). Therefore, the Applicant's arguments regarding claim 14 are considered not persuasive. Please cite rationale of the grounds of rejection below for further explanation.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. ***Claims 14 – 16, 18 and 19*** are rejected under 35 U.S.C. 102(e) as being anticipated by **Yoda** (U.S. Patent No. 6,781,716).

Referring to **claim 19**, Yoda discloses an image processing apparatus for performing color processing to output color data to an image processing component (see Fig. 1, printing system 30, column 9, lines 57 – 64), comprising:

an acquiring section (see Fig. 1, scanner 10, Fig. 4, input profile, Fig. 14, step (a), column 9, lines 47 – 56), arranged to obtain spectral data which indicates an input color (column 9, lines 31 – 33, column 10, line 49 – column 11, line 4, column 18, lines 28 – 36, column 19, lines 15 – 18, 23 – 32 and column 21, lines 24 – 28),

a determiner (see Figs. 5, 12, 13, output profile 343a, 343b, 343m in conjunction with color conversion table 342), arranged to determine a color data format of color data in accordance with information of the image processing component to transmit the color data to the image processing component (column 11, lines 5 – 36, column 12, lines 10 – 31, column 18, lines 47 – 56, column 18, line 62 – column 19, line 10, column 20, lines 24 – 50 and column 21, line 29 – column 22, line 2),

a generator (see Fig. 5, personal computer 20 comprising color conversion table 342, Fig. 12, data conversion section 320), arranged to generate the color data having the determined color data format from the acquired spectral data (see Fig. 14, step (b), column 9, lines 34 – 40, column 12, line 32 – column 14, line 4, column 18, lines 37 – 46, column 19, lines 11 – 14, column 21, line 29 – column 22, line 2), and

an outputting section (see Fig. 3, output interface 317, Fig. 5, output profile, Figs. 12 – 13, data output section 330), arranged to output the generated color data to the image processing component (see Fig. 14, step (b), column 9, lines 57 – 64, 57 – 64, column 19, lines 21 – 23 and column 21, line 29 – column 22, line 2),

wherein the color data format includes a spectral data format (see Fig. 6 wherein RGB color data is the spectral data format inputted into the system, column 9, lines 29 – 46 and column 11, lines 5 – 59), and a color component format which indicates a color using a plurality of color component data (see Fig. 6 wherein CMYK color data is the color component data format outputted from the system, column 9, lines 29 – 46 and column 11, lines 5 – 59), and said generator calculates the plurality of color component

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data from the spectral data when the color component format is determined as the color data format by said determiner (column 12, line 32 – column 14, line 4).

Referring to **claim 14**, the rationale provided in the rejection of claim 19 is incorporated herein. In addition, the apparatus of claim 19 performs the method of claim 14.

Referring to **claim 18**, the rationale provided in rejection of claim 14 is incorporated herein. The method of claim 14 is stored as a program of instructions of claim 18 within memory (see Fig. 3, CD-ROM 110, hard disk unit 213, column 10, lines 22 – 48) and executed by a processor (see Fig. 3, CPU 211, column 10, lines 22 – 37).

Referring to **claim 15**, Yoda discloses the method further wherein the acquired spectral data is output to the image processing component when the spectral data format is determined as the color data format in said determining step (see Fig. 14, step (b), column 9, lines 57 – 64, 57 – 64, column 19, lines 21 – 23, column 20, lines 51 – 64 and column 21, line 29 – column 22, line 2).

Referring to **claim 17**, Arai et al. disclose the method further comprising the step of obtaining the information, for which the color data format is determined, from the image processing component (column 11, lines 30 – 36 and column 20, lines 51 – 64).

### ***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoda** (U.S. Patent No. 6,781,716) in view of **Rasmussen et al.** (U.S. Patent No. 6,571,000).

Referring to **claim 16**, Yoda discloses the method further wherein the plurality of color component data is generated by a color matching function (column 12, lines 25 – 31, 40 – 49 and column 17, lines 18 – 36 wherein the output file perform such color conversion that in the necessary color area the associated color appearance is preserved) but does not explicitly disclose the method wherein the plurality of color component data are generated by convolution calculation.

Rasmussen et al. disclose the method further wherein the plurality of color component data is generated by convolution calculation (see Fig. 5, step S610, column 4, lines 34 – 44, column 5, lines 46 – 48 and column 9, lines 12 – 23).

Yoda and Rasmussen are combinable because they are both from the same field of endeavor, being color attribute control systems. At the time of the invention, it would have been obvious to one of ordinary skill in the art to include generating color data via convolution calculations along with a color attribute control system. The suggestion/motivation for doing so would have been to enhance image quality especially in correcting color non-uniformity such as in moiré patterns, as suggested by Rasmussen et al. (column 1, lines 33 – 53, column 2, lines 49 – 63, column 9, lines 12 – 23 and column 10, lines 43 – 51).

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Emori *et al.*** (U.S. Patent No. 5,933,252) disclose a color image processing method and apparatus therefor including color conversion for use in color CRT and other such image processing devices having different color reproducible ranges.

**Long *et al.*** (U.S. Patent No. 6,393,545) disclose a method apparatus and system for managing virtual memory with virtual-physical mapping wherein convolution calculations utilized for edge sharpening.

**Walmsley *et al.*** (U.S. Patent No. 6,807,315) disclose a method and apparatus for sharpening an image including convolution calculation.

**Yamada *et al.*** (U.S. Patent No. 5,742,296) disclose an image processing method and apparatus therefor including image data conversion between different types of input and output devices having color reproduction ranges using an uniform color space.

**Endo *et al.*** (U.S. Pre-Grant Application No. 2005/0259113) disclose an information processing apparatus and display control method including means for determining a type of display device and controller configured to set an image quality enhancement parameter at the image processing controller according to the type of the display device determined by the determining means.

**Fukuda *et al.*** (U.S. Pre-Grant Application No. 2004/0184671) disclose an image processing method, storage medium and program including performing image correction of a scene by detecting whether a specific object is included in an input

image of the scene, and that sets a correction parameter based on the detection result to correct the input image.

**Takahashi *et al.*** (U.S. Pre-Grant Application No. 2005/0111017) disclose an image processing system, apparatus, and method, and color reproduction method including color conversion.

**Torigoe *et al.*** (U.S. Pre-Grant Application No. 2003/0202194) disclose an image processing apparatus and information apparatus, and method therefor including color mapping processor for color matching.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myles D. Robinson whose telephone number is (571) 272-5944. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*MDR 3/10/06*

MDR

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